



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

JGJr: 03-06

Paper No: 8

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON DC 20006

**COPY MAILED**

**JUN 12 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Okubo, et al.	:	
Application No. 09/851,946	:	NOTICE
Filed: 10 May, 2001	:	
Patent No. 6,853,208	:	
Issue Date 8 February, 2005	:	
Attorney Docket No. 010609	:	

This is a notice regarding the request for acceptance of a fee deficiency submission (properly considered under 37 C.F.R. §1.28) filed 5 December, 2005

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. §1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. §1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 C.F.R. §1.28 hereby is **ACCEPTED**

Application No. 09/851,946  
Patent No. 6,853,208

2

Inquiries regarding this application should be directed to the Technology Center. The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282.

A handwritten signature in black ink, appearing to read 'J. Gillon, Jr.', with a stylized flourish at the end.

John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions